

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Warren Lemont Pearson,
a.k.a. Warren L. Pearson,

Plaintiff,

vs.

Officer Knightingale, of Spartanburg Detention Facility;
Warden Larry Powers; Lt. Pilgrim; Lt. Greer; Lt. Church;
Sgt. Brown; and Cpl. Edwards,

Defendants.

) C/A No. 4:11-940-RBH-TER

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ORDER

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action on April 21, 2011. By Order dated June 10, 2011, United States Magistrate Judge Thomas E. Rogers, III instructed Plaintiff to provide the service documents necessary to bring the case into proper form for evaluation and possible service of process. ECF No. 12. The Magistrate Judge warned Plaintiff that failure to provide the necessary information within the timetable set forth in the Order would subject the case to dismissal. *Id* at 1-2. The Order was mailed to the address provided to the Court by Plaintiff.

Plaintiff failed to respond to the Order, and the time for responding lapsed on July 5, 2011. The mail in which the Order was sent to Plaintiff has not been returned to the Court. Thus, the Court presumes that Plaintiff received the Order but has neglected to comply with it within the time permitted under the Order. Plaintiff's lack of response to the Order indicates an intent to discontinue prosecuting this case and subjects the case to dismissal. As Plaintiff has failed to prosecute this case and failed to comply with a court order, the case is **dismissed without prejudice** pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-36 (1962).

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

July 8, 2011
Florence, South Carolina